

REMARKS

Claims 30-46 are pending in the application. As required by 37 CFR § 1.121, Applicant submits a version with markings showing changes to the application. In light of the amendments and following remarks, Applicant believes all the pending claims are now in condition for allowance.

Formal Matters

Applicant has amended the claim of priority to reflect the issued parent patent no. and the previous provisional application.

With respect to the drawings, Applicant requests to amend FIG. 12 to correct the reference numeral as indicated in red on the attached drawing sheet. No new matter has been added by this amendment.

The Office Action indicated that some of the appendices failed to meet requirements under 37 CFR 1.96. Applicant requests to delete Appendices 2-4 from the application and has amended the specification to reflect that these appendices are no longer part of the application. Accordingly, the objection is overcome.

Claim Rejections

Claims 30-39 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,167,534. Applicant submits herewith a terminal disclaimer over the parent patent so the rejection is overcome.

Claims 40-46 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,167,534. The terminal disclaimer over the parent patent overcomes this rejection.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8693.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Ritter", written in a cursive style.

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**VERSION WITH MARKINGS TO SHOW CHANGES
MADE TO THE APPLICATION**

In the Specification

The sentence claiming priority after the title has been amended as follows:

This is a Continuation of Application No. 08/577,278, filed December 22, 1995, now U.S. Patent No. 6,167,534, which is hereby incorporated by reference, and claims benefit of provisional Application No. 60/007,580, filed November 24, 1995, now abandoned.

The paragraph starting on page 25, line 19 has been amended as follows:

Appendix 1 includes source code for a computer product that includes the Capture Agent that captures user interface and application calls as well as other aspects of the present invention. **[Appendix 2 is a script development guide. Appendix 3 is a multi-user testing guide. Appendix 4 is a reference guide as well as other related materials.]**